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SENATE BILL 811

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Roman M. Maes III

AN ACT

RELATING TO INSURANCE; PROHIBITING HOMEOWNER' S CASUALTY
INSURERS FROM RAISING RATES, CANCELING A POLICY OR REFUSING TO
RENEW A POLICY SOLELY BECAUSE A HOMEOWNER HAS MADE CERTAIN
CLAIMS PURSUANT TO THE POLICY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the New Mexico Insurance Code
is enacted to read:

"[NEW MATERIAL] HOMEOWNER' S CASUALTY INSURANCE-- RATE
INCREASE, POLICY CANCELLATION-- FAILURE TO RENEW. --

A. Except as provided in Subsection C or D of this
section, the rates of an insurer of homeowner' s casualty shall
not provide for an increase in the premium based solely upon
the fact that the homeowner has made a claim pursuant to the
policy.

underscored material = new
[bracketed material] = delete

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B. Except as provided in Subsection C or D of this section, an insurer of homeowner's casualty shall not cancel or fail to renew a homeowner's insurance policy solely because the homeowner has made a claim pursuant to the policy.

C. The provisions of Subsections A and B of this section do not apply if a claim is made by a homeowner pursuant to liability insurance coverage provided in a homeowner's casualty insurance policy.

D. The provisions of Subsections A and B of this section do not apply if other factors exist, exclusive of the claim made by the homeowner, that allow for a premium increase or the cancellation of or failure to renew an insurance policy under the Insurance Code or rules adopted under the Insurance Code. "